

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Paul Gracey,
Plaintiff

v.

Robert Hofmann
and Paul Cotton,
Defendants

:
:
:
:
:
:
:
:
:

File No. 1:06-CV-134

ORDER

The Magistrate Judge's Report and Recommendation was filed December 6, 2007 (Paper 47). After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Plaintiff's motion for summary judgment (Paper 40) is DENIED. Defendants' motion for summary judgment (Paper 41) is GRANTED. This case is hereby DISMISSED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 17th day of January, 2008.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge